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Attorney's Docket No.: 3800002.00055 / 4804US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Szalay *et al.*  
Serial No. : 10/516,785  
Filed : June 27, 2005

Art Unit : 1633  
Examiner : Burkhart, Michael D.  
Conf. No. : 7336  
Cust. No. : 77202

Title : **LIGHT EMITTING MICROORGANISMS AND CELLS FOR  
DIAGNOSIS AND THERAPY OF DISEASES ASSOCIATED WITH  
WOUNDED OR INFLAMED TISSUE**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement (4 pages), a Statement pursuant to 37 C.F.R. § 1.97(e) (2 pages), documents listed in table of the Supplemental Information Disclosure Statement (1 bound volume), and a return receipt postcard for filing in connection with the above-identified application. Because this Supplemental Information Disclosure Statement is filed after the receipt of a Final Office Action for the above-captioned application, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 02-1818, as stated below:

☒ The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman  
Reg. No. 33,779

Attorney's Docket No.: 3800002.00055 / 4804US  
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EM 315355238 US  
Date of Deposit: **December 14, 2010**  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Christopher Ochs



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Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§1.97-1.98**

Dear Sir:

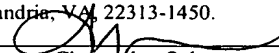
This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. §1.97(d) and includes a Statement in accordance with 37 C.F.R. §1.97(e). The Statement applies to a European Summons to Attend Oral Proceedings and a Singapore Examination Report, listed below. Because this Supplemental Information Disclosure Statement is filed after the receipt of a Final Office Action for the above-captioned application, the Commissioner is authorized to charge any fee thereof to Deposit Account No. 02-1818.

As noted in the attached Statement, the communications provided herewith were issued by a foreign patent office, in a corresponding foreign application, and were not received by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98.

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Christopher Ochs

A copy of an European Summons to Attend Oral Proceedings, mailed September 27, 2010, in connection with corresponding European Patent Application No. 03735553.4, now allowed, is provided. Also provided is the amendment and response to the Summons to Attend Oral Proceedings, filed November 26, 2010, and a communication from the European Patent Office cancelling the Summons to Attend Oral Proceedings, issued December 7, 2010. This European patent application is a divisional of European Patent Application No. 02012552.2, which is a National Stage Entry of International Patent Application No. PCT/EP03/05907, to which the instant application likewise claims priority.

A copy of a Singapore Examination Report, issued October 18, 2010, in connection with Singapore Patent Application No. 200701613-2, is provided. This Singapore patent application is a divisional of Singapore Patent Application No. 200407109-8, which is a National Stage Entry of International Patent Application No. PCT/EP03/05907, to which the instant application likewise claims priority. The table below includes a column providing a space for the Examiner's initials next to the document to be considered.

Examiner Initial	Document No.	Document
	AA	Copy of European Summons to Attend Oral Proceedings, mailed September 27, 2010, in connection with European Patent Application No. 03735553.4.
	AB	Copy of amendment and response to European Summons to Attend Oral Proceedings, filed November 26, 2010, in connection with European Patent Application No. 03735553.4.
	AC	Copy of communication from European Patent Office cancelling the Summons to Attend Oral Proceedings, issued December 7, 2010, in connection with European Patent Application No. 03735553.4.
	AD	Copy of Singapore Examination Report, issued October 18, 2010, in connection with Singapore Patent Application No. 200701613-2.
	AE	Howard et al., "Molecular mimicry of the inflammation modulatory proteins (IMPs) of poxviruses: evasion of the inflammatory response to preserve viral habitat," J. Leukocyte Biol. 64:68-71 (1998).
	AF	Menkin, "Studies on inflammation: VII. Fixation of bacteria and of particulate matter at the site of inflammation," J. Exp. Med. 53:647-660 (1931).

In the European Summons to Attend Oral Proceedings (Item AA), mailed September 27, 2010, the following documents are cited: D8: Howard et al., "Molecular mimicry of the inflammation modulatory proteins (IMPs) of poxviruses: evasion of the inflammatory response to preserve viral habitat," J. Leukocyte Biol. 64:68-71 (1998); D9: Lawrence, "The bacteriology of burns," J. Hosp. Infect. 6: 3-17 (1985); and D10: Menkin, "Studies on inflammation: VII. Fixation of bacteria and of particulate matter at the site of inflammation," J. Exp. Med. 53:647-660 (1931). Document D9 was made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the

cited non U.S. patent documents, filed July 21, 2005. Documents D8 and D10 are provided herewith (Items AE-AF).

The amendment and response to the European Summons to Attend Oral Proceedings (Item AB), filed November 26, 2010, amends the claims as proposed by the Examiner to place the application in condition for grant. The communication from the European Patent Office (Item AC), issued December 7, 2010, indicates that the Summons to Attend Oral Proceedings has been cancelled. The application is now allowed.

In the Singapore Examination Report, issued October 18, 2010, the following documents are cited: D1: DE 4425382 A1; D2: US 6,217,847 B1; D3: Cioffi et al., "A novel endothelial cell-based gene therapy platform for the in vivo delivery of apolipoprotein E," *Gene Ther.* 6:1153-1159 (1999); D4: EP 1020197 A1; D5: Parrish et al., "Targeting widespread sites of damage in dystrophic muscle: engrafted macrophages as potential shuttles," *Gene Ther.* 3:13-20 (1996); and D6: Rodriguez et al., "Expression of the firefly luciferase gene in vaccinia virus: A highly sensitive gene marker to follow virus dissemination in tissues of infected animals," *Proc. Natl. Acad. Sci. U.S.A.* 85:1667-1671 (1988). Document D1 was made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed April 13, 2010. Documents D2 and D6 were made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed July 21, 2005. Documents D3-D5 were made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited non U.S. patent documents, filed November 9, 2006.

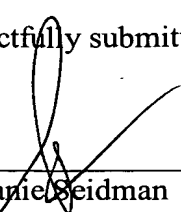
Although these documents and applications are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the documents, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

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Supplemental Information Disclosure Statement

Applicant respectfully requests that the Examiner review the foregoing document and it be made of record in the file history of the above-captioned application.

Respectfully submitted,



---

Stephanie Seidman  
Reg. No. 33,779

Attorney's Docket No.: 3800002.00055 / 4804US  
**Address all correspondence to: 77202**  
Stephanie Seidman  
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**STATEMENT FOR SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT IN ACCORDANCE WITH 37 C.F.R. § 1.97(e)**

Dear Sir:

1. This statement is being made for the Supplemental Information Disclosure Statement accompanying this certification.

2. I, Stephanie Seidman, hereby state that the communications provided herewith in the Supplemental Information Disclosure Statement were not received by any individual designated in C.F.R. §1.56(c) in the instant application more than three months prior to the filing of the Supplemental Information Disclosure Statement provided herewith. The communications are:

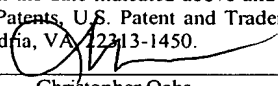
- i. Summons to Attend Oral Proceedings, cited by the European Patent Office, mailed September 27, 2010, in connection with European Patent Application No. 03735553.4, now allowed. This European patent application is a divisional of European Patent Application No. 02012552.2, which is a National Stage Entry of International Patent Application No. PCT/EP03/05907, to which the instant application likewise claims priority.

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- ii. Communication cancelling the Summons to Attend Oral Proceedings, cited by the European Patent Office, issued December 7, 2010, in connection with European Patent Application No. 03735553.4, now allowed. This European patent application is a divisional of European Patent Application No. 02012552.2, which is a National Stage Entry of International Patent Application No. PCT/EP03/05907, to which the instant application likewise claims priority.
- iii. Examination Report, cited by the Singapore Patent Office, issued October 18, 2010, in connection with Singapore Patent Application No. 200701613-2. This Singapore patent application is a divisional of Singapore Patent Application No. 200407109-8, which is a National Stage Entry of International Patent Application No. PCT/EP03/05907, to which the instant application likewise claims priority.

3. The person making this statement is a registered practitioner and signs below on the basis of information in the attorney's file.

Respectfully submitted,

---

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Reg. No. 33,779

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